

# Toronto Star

## Class actions for falling glass panels from Toronto condo buildings will go to trial

Ontario's Superior Court green-lights three lawsuits against developers, builders and subcontractors for Festival Tower, Murano Towers and One Bedford.

By: [Kim Nursall](#) Staff Reporter, Published on Wed Oct 09 2013

Hundreds of condo residents who were locked out of their balconies because glass panels dislodged from their buildings and plummeted to the street below will have their day in court.

Ontario's Superior Court certified three class actions last week against the developers, builders and subcontractors for three Toronto condominiums: Festival Tower, Murano Towers and One Bedford.

At least a dozen glass panes from the three buildings rained down on the streets of Toronto, starting in 2010. On Aug. 15, 2011, a woman's wrist was reportedly slashed after glass from Murano's south tower shattered on Bay St.

"The city shut down the balconies on those buildings and ordered (repairs), and so all the people living in those units were locked out of their balconies for almost two years," Ted Charney, one of the lawyers for the plaintiffs, told the Star on Tuesday.

Charney said he's thrilled the lawsuits were given the green light, given what residents had to endure.

In his reasons, Justice Edward Belobaba said "the facts in the three actions are similar: newly built condominium towers occupied by owners and renters. Glass panels suddenly dislodge and fall from several balconies." Condo residents, Belobaba continued, consequently "lose the use of their balconies and some common areas for a significant period of time, sustaining general and economic losses."

One Murano south tower resident, who is not named in the actions, [told the Star](#) in 2011 that the situation was infuriating.

"I feel like I'm trapped in my own home," said Jo Gryfe, 24, who owned a fifth-floor unit at the time.

Charney said the lawsuits will now go to trial, and the rulings will apply to all building residents.

Charney said Belobaba's decision was also significant because it marks the first time a developer, namely the Daniels Corporation, will potentially be held liable for breach of contract because of their marketing practices.

Daniels, the developer for Festival Tower, had argued it should be included in the lawsuit since it did not sign any agreements with condo owners. Rather, owners purchased their condos from the management company.

But Belobaba determined Daniels, through its marketing strategy, had wanted people to purchase Festival Tower condos "on the understanding that Daniels was bound to the terms of the agreements to the same extent as its vendor."

Daniels could not be reached for comment.

*With files from Josh Tapper*

**Note - Oct. 24, 2013: Letter to Editor from Daniels:**

[http://www.thestar.com/opinion/letters\\_to\\_the\\_editors/2013/10/25/balcony\\_loss\\_was\\_overstated.html](http://www.thestar.com/opinion/letters_to_the_editors/2013/10/25/balcony_loss_was_overstated.html)